

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Fenwick, et al.

Serial No. 09/224,409

Filed: December 31, 1998

For: **ALLOCATING COMPUTER  
RESOURCES WITHIN A VIDEO  
DISTRIBUTION SYSTEM**



Art Unit:

Examiner:

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to:

Assistant Commissioner for Patents

Attn: Box Missing Parts

Washington D.C. 20231

on 4/5/99  
Date

Tara Hayden

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Honorable Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

Responsive to the Notice to File Missing Parts dated February 4, 1999, please find enclosed herewith:

1. Declaration executed by the inventors;
2. Power of Attorney executed by an officer of assignee, On Command

Corporation;

3. Check in the amount of \$1,160.00 for filing fee and surcharge for assignee as a large entity calculated as follows:

Basic filing fee - Fee Code 101	\$ 760.00
15 additional claims in excess of twenty - Fee Code 103	\$ 270.00
<u>Surcharge - Fee Code 105</u>	<u>\$ 130.00</u>
Total	\$1,160.00

4. Copy of Notice to File Missing Parts.

The Assistant Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 04-0025. A duplicate of this transmittal page is enclosed.

Respectfully submitted,  
D'ALESSANDRO & RITCHIE



Dated: April 5, 1999

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David B. Ritchie  
Reg. No. 31,562

D'Alessandro & Ritchie  
P.O. Box 640640  
San Jose, CA 95164-0640  
(408) 441-1100



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/224,409	12/31/98	FENWICK JR.	R ONCO-002

0242/0204

STEPHEN R URIARTE  
D'ALESSANDRO & RITCHIE  
P O BOX 640640  
SAN JOSE CA 95164-0640

NOT ASSIGNED

2713

DATE MAILED:

02/04/99

### NOTICE TO FILE MISSING PARTS OF APPLICATION

*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 1160.00.

☒ 1. The statutory basic filing fee is:

☒ missing.

☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. Additional claim fees of \$ 270.00, including any multiple dependent claim fees, are required.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ 270.00 for 15 dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

☒ (is missing or unexecuted.

☐ does not cover the newly submitted items.

☐ does not identify the application to which it applies.

☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

M. O. O.  
Customer Service Center

00000032-09224409  
760.00  
130.00  
270.00  
9 MAR 1999